

ORDINANCE NO. _____

1 AN ORDINANCE amending Chapter 2.04 of the Lincoln Municipal Code relating to
2 the City Council by amending Section 2.04.010 to revise, delete, and add to the Rules of the Council
3 pertaining to the Organization of the Council, the Duties of the Chair of the Council, and the Rules
4 of Council Decorum, Debate, and Procedure, to set forth and clarify the current practices of the City
5 Council; deleting Section 2.04.020 relating to Public Hearings in order to reorganize the provisions
6 of said section into new sections 2.04.040, Audible Devices Prohibited, and 2.04.050, Meetings,
7 Closed Sessions; and amending Section 2.04.030 to clarify the number of votes required for final
8 action on a Bill or motion; and repealing Sections 2.04.010 and 2.04.030 of the Lincoln Municipal
9 Code as hitherto existing.

10 BE IT ORDAINED by the City Council of the City of Lincoln, Nebraska:

11 Section 1. That Section 2.04.010 of the Lincoln Municipal Code be amended to read
12 as follows:

13 **2.04.010 Rules of the Council.**

14 The City Council shall be governed by the following rules related to its organization, election
15 of its officers, duties of its chair, procedure, decorum, and debate. The rules for parliamentary proce-
16 dure comprised in Robert's Rules of Order, ~~n~~Newly rRevised, as updated from time to time, shall
17 govern the City Council in all cases ~~to which~~ where they are applicable, and ~~in which~~ when they are
18 not otherwise inconsistent with the standing rules of the ~~c~~Council hereinafter set forth in this section.

ORGANIZATION OF THE COUNCIL

Rule 1-1. ~~Organizational Meeting and Regular Meetings.~~ On the second Monday following each general city election, the ~~e~~Council shall meet for the purpose of administering the oath of office to its new members, electing its officers, and carrying out its assigned duties. Thereafter, the ~~e~~Council shall hold one regular meeting on Monday of each week, ~~except when the same shall fall on a legal holiday, in which case the regular meeting shall be held on the Tuesday following said legal holiday~~ the Council may choose not to meet during weeks containing a federal or state holiday, or as otherwise allowed by state law. Each meeting shall convene at the time and place prescribed by public notice posted by the City Clerk.

Rule 1-2. ~~Special Meetings.~~ Special meetings of the Council as provided by the ~~e~~Charter may be called from time to time by the Mayor or any two members of the Council. The time and place of any special meeting shall be communicated to the office of the City Clerk at least twenty-four hours prior to such meeting. The City Clerk shall immediately thereafter post public notice of such special meeting on the official bulletin board.

Rule 1-3. ~~Council Policy Meetings and Briefing Sessions.~~ Council policy meetings and briefing sessions may be called from time to time by the Mayor, the Council Chair, or any two members of the Council. ~~The~~ Notice of the time and place of any Council policy meeting or briefing session shall be ~~communicated to the office of the City Clerk~~ made available to the public at least twenty-four hours ~~prior to such meeting. The City Clerk shall provide notice of all Council policy meetings and briefing sessions in the manner as provided in Rule 3-24 hereof~~ in advance, in a manner designated by the Council. Such meetings shall, ~~unless closed as hereinafter provided,~~ be open to the public unless closed as hereinafter provided, ~~but n~~No member of the public shall be entitled to address the Council at such meetings except by invitation of the Council. Those rules of

1 Council decorum, debate, and procedure hereinafter set forth as Rules 3-1 through 3-28~~32~~³², inclusive,
2 shall not be enforced at such meetings or briefing sessions. The Chair shall preside over all meetings
3 or briefing sessions and be responsible for assuring that discussion and questioning by Council
4 members is conducted in a fair and orderly manner, within the time set aside therefor.

5 **Rule 1-4. ~~Election of Chair and Vice-chair~~ Chair and Vice-Chair; When Elected;**
6 **Terms; and Removal from Office.** ~~At the first meeting of each session~~ The election of Chair and
7 Vice-Chair shall be held on the second Monday following each general city election, the first order
8 of business shall be the election of a Chair and Vice-chair or, during years without a general city
9 election, at any regular meeting of the Council in May or a date chosen by the Council. The ~~terms~~
10 ~~of the Chair and Vice-Chair shall be for annual terms, terminating in May of each year~~ both serve
11 for terms of one year, or until successors are chosen, provided that either or both ~~the~~ Chair and Vice-
12 Chair may be re-elected for as many consecutive annual terms as the Council may deem appropriate;
13 and provided, further, ~~the~~ Chair or Vice-Chair may be removed from office at any time upon a
14 motion adopted by a ~~majority~~ vote of ~~no less than~~ at least four members of the Council.

15 **Rule 1-5. Procedure for Electing a Chair.**

16 (a) The meeting shall be called to order by the Mayor who shall act as temporary Chair
17 without a vote for the purpose of receiving nominations from members of the Council for the office
18 of Chair. Any member of the Council may submit the name of one member of the Council as a
19 nominee for the office of Chair. Recognition by the Mayor is not necessary for the purpose of
20 making a nomination. No second shall be necessary. After a nomination is received, the Mayor
21 shall state the name of the nominee and shall then ask if there are any further nominations. If there
22 is no response, the Mayor shall declare that the nominations for the office of Chair are closed without
23 waiting for a motion to that effect. After nominations have been closed, voting for the office of Chair

1 will take place by roll call vote. On each call of the roll ~~necessary~~ to elect a Chair, each member of
2 the Council shall be entitled to vote for one nominee. The nominee who shall receive four or more
3 votes shall be elected Chair. The Clerk shall call the roll and record the vote as many times as is
4 necessary to elect a Chair. The Mayor acting as temporary Chair shall recognize any member of the
5 Council desiring to be heard at the conclusion of any roll call vote when no nominee has received
6 a sufficient number of votes to be elected Chair. Upon the election of a Chair, the Mayor shall
7 forthwith surrender the gavel to ~~him or her~~ the newly elected Chair.

8 ~~(b) The Council shall immediately proceed with the election of a Vice-chair. When~~
9 electing a Chair during times other than the second Monday following a general city election, the
10 currently serving Chair or the Mayor shall conduct the election of the new Chair in the same manner
11 as the Mayor in subparagraph (a) of this rule.

12 ~~(c) If only one person has been nominated for the position of Chair, yeas and nays may be~~
13 cast during the roll call vote instead of the name of the nominee.

14 **Rule 1-6. Procedure for Electing a Vice-Chair.** The Chair shall call for nominations
15 for the office of Vice-Chair and the Council shall elect a Vice-Chair following a procedure identical
16 to that prescribed ~~above~~ for the election of a Chair in Rule 1-5.

17 **Rule 1-7. Rights of Nominee.** Nothing in these rules shall be construed to prohibit any
18 nominee from voting for ~~themselves~~ himself or herself or to prohibit any nominee from voluntarily
19 withdrawing his or her name from consideration at any time during the proceedings for the election
20 of a Chair or Vice-Chair.

21 **Rule 1-58. Filling a Vacancy in the Office of Chair or Vice-Chair.** In the event there
22 ~~shall be~~ is a vacancy in the office of Chair for any reason, the Vice-Chair shall automatically become
23 Chair of the Council for the unexpired term unless sooner removed. ~~The~~ If there is a vacancy in the

1 office of the Vice-Chair for any reason, the Council shall then proceed to elect a new Vice-Chair for
2 the unexpired term following the procedure prescribed in Rule 1-46 above.

3 **Rule 1-69. Filling a Vacancy on the Council.** Whenever a vacancy ~~shall~~ occurs on the
4 City Council, the remaining members of the Council shall elect, ~~by an affirmative~~ a vote of at least
5 four members, a person having the qualifications for the office of Council member to fill the vacancy
6 until a successor has been duly elected and qualified as provided by the City Charter. The procedure
7 ~~for the election by the Council of a person to fill a~~ filling said vacancy ~~on the Council until a~~
8 ~~successor has been duly elected and qualified~~ shall be as follows:

9 (a) Within ~~fifteen~~ thirty days, after the vacancy has occurred, or fifteen days after a meeting
10 where the Council was unsuccessful in electing a replacement, the Council shall meet and attempt
11 to elect a person to fill the vacancy on the Council. The agenda shall provide notice of such vote.

12 (b) The Chair shall call for nominations from the Council of persons to fill such vacancy
13 and each member of the Council may nominate only one person otherwise qualified to be a member
14 of the Council. A second shall be required ~~to before~~ the name of each person placed in nomination
15 ~~before that person shall be nominated is and~~ recognized by the Chair as a nominee. The Chair shall
16 permit nominating and seconding speeches not to exceed five minutes each in duration. ~~When~~ Once
17 each Council member has submitted one name in nomination or when it otherwise appears that no
18 other member wishes to submit a name in nomination, the Chair shall declare ~~that the~~ the nominations
19 ~~are~~ closed, without waiting for a motion to that effect.

20 (c) After nominations have been closed, voting ~~for the office of Council member~~ to fill the
21 vacancy on the Council shall take place by roll call vote. On each call of the roll, each member of
22 the Council shall be entitled to vote for one nominee. If only one person has been nominated, yeas
23 and nays may be cast during the roll call vote instead of the name of the nominee. The nominee who

1 ~~shall receive~~ four or more votes on any roll call shall be elected to the ~~office of member of the City~~
2 Council, ~~to fill the vacancy thereon until a successor has been duly elected and qualified as provided~~
3 ~~by the city charter~~. Repeated roll call votes ~~shall~~ may be conducted until a nominee has been elected
4 or until the Chair declares the vacancy cannot be filled at that meeting, as provided in subparagraph
5 (f) of this rule. The Chair shall recognize any member of the Council desiring to be heard at the
6 conclusion of any roll call vote where there has been no election of a nominee.

7 (d) ~~At any time after five unsuccessful roll call votes~~ After any roll call vote where no
8 nominee has been elected, the Chair may entertain or call for a motion to reopen nominations. Upon
9 the adoption of such a motion, the Chair shall receive and acknowledge additional nominations in
10 the manner prescribed by subparagraph (b) of this rule, with each Council member being limited to
11 submitting only one additional name in nomination. After the reopened nominations have been
12 closed, voting shall proceed in the manner prescribed in subparagraph (c) of this ~~section~~ rule.

13 (e) ~~The procedure provided in subparagraph (d) of this rule for the reopening of~~
14 ~~nominations may be invoked at any time there shall be five or more unsuccessful roll call votes after~~
15 ~~the closing of original or any reopened nominations.~~

16 ~~—— (f) ——~~ Any person nominated at any time during proceedings pursuant to this rule shall remain
17 a nominee throughout such proceedings until ~~the Council member~~ a nominee to fill the vacancy ~~shall~~
18 ~~have~~ has been elected.

19 (f) If no nominee has been elected to fill the vacancy, and there are no additional
20 nominations, the Chair may declare that the vacancy cannot be filled at that meeting, and the Council
21 may continue with other business or adjourn.

1 **DUTIES OF THE CHAIR OF THE COUNCIL**

2 **Rule 2-1. Principal Duties.** The principal duties of the Chair of the Council under
3 parliamentary law are as follows:

4 (a) To open each meeting of the Council at the appointed time by calling the meeting to
5 order after having ascertained that a quorum is present.

6 (b) To direct the Clerk to announce in proper sequence the business that is to come before
7 the Council in accordance with the agenda and the existing orders of the day.

8 (c) To recognize members of the Council who are entitled to the floor.

9 (d) To state and put to a vote all questions that legitimately come before the Council as
10 ordinances, resolutions, or other motions, ~~or that otherwise~~ that arise in the course of proceedings,
11 and to announce or have the City Clerk announce, the result of each vote; or, if ~~an ordinance, a~~
12 ~~motion, or resolution~~ that is not in order is made, to rule it out of order.

13 (e) To protect meetings of the Council from obviously frivolous or dilatory motions by
14 refusing to recognize them.

15 (f) To enforce the rules relating to debate and to order and decorum within any place at
16 which a regular or special meeting of the Council is held.

17 (g) To expedite business of the Council in every way compatible with the rights of its
18 members and the public.

19 (h) To decide upon all questions of order, subject to appeal to the full Council for final
20 decision of such a question. Any appeal of a decision of the Chair upon a question of order shall be
21 immediately presented and voted upon by the full Council. In such event a majority vote of the
22 members present shall determine such question of order.

1 (i) To respond to inquiries of members of the Council relating to parliamentary procedure
2 or factual information bearing upon the business of the Council.

3 (j) To authenticate by his or her signature, when necessary, all acts, orders, and
4 proceedings of the Council. To declare a meeting adjourned at any time ~~a majority of the Council~~
5 so votes, or at the time prescribed in the Council agenda ~~for a meeting of the Council~~ or at any time
6 in the event of sudden emergency affecting the safety of persons present.

7 **Rule 2-2. Documents in Possession of Chair.** At each meeting of the Council, in
8 addition to the necessary papers proper to the business of that meeting, the Chair, or staff present,
9 shall have at hand the following documents:

10 (a) A copy of the Council bylaws and rules of procedure as set forth in Chapter 2.04 of the
11 Lincoln Municipal Code.

12 (b) A copy of Robert's Rules of Order, Newly Revised, as updated from time to time.

13 ~~(c) A list of all standing and special committees of the Council and the membership~~
14 ~~thereof.~~

15 ~~—The Chair shall stand while calling a meeting to order. It shall not be necessary for the Chair~~
16 ~~to stand while putting a question to a vote, while explaining his or her reasons for ruling on a point~~
17 ~~of order, or when speaking during debate on an appeal of a point of order which has been submitted~~
18 ~~to the full Council for decision.~~

19 **Rule 2-3. Rights of Chair to Vote and Debate.** The Chair of the Council shall possess
20 all of the rights, duties and responsibilities of a member of the Council and shall be entitled to vote
21 on any matter brought before the Council, notwithstanding the fact that he or she ~~shall be~~ is serving
22 as Chair. The Chair shall be entitled to fully participate in the discussion or debate on any matter
23 before the Council; provided, that in order to preserve the rules of the Council relating to decorum

1 and debate, the Vice-chair shall preside over the meeting during those times in which the Chair shall
2 be engaged in such discussion or debate. While the Vice-Chair is presiding, a formal handover of
3 the gavel is not required if the discussion or debate is brief in nature.

4 **Rule 2-4.** **Standing Not Required.** It shall not be necessary for the Chair to stand while
5 calling the meeting to order, putting a question to a vote, explaining his or her reasons for ruling on
6 a point of order, or when speaking during debate on an appeal of a point of order which has been
7 submitted to the full Council for decision.

8 **RULES OF COUNCIL DECORUM, DEBATE AND PROCEDURE**

9 **Rule 3-1.** **Bill; Definition; Action.** A legislative item, either ordinance or resolution,
10 assigned a number on the Council agenda is a Bill. When a Bill advertised for action is reached on
11 the agenda, any Council member may move its adoption. A second may be made, but shall not be
12 required.

13 **Rule 3-2.** **Right to Speak to the Same Question.** No member of the Council shall
14 speak more than once to the same question, without leave of the Chair, unless he or she ~~be~~ is the
15 mover, introducer, or proposer of the matter pending, in which case he or she shall be permitted to
16 speak in reply, but not until every member choosing to speak shall have spoken.

17 **Rule 3-23.** **Attendance and Decorum While a Question is Called.** While the Chair is
18 putting any question, or addressing the Council, no member shall walk out of, or across the Council
19 chamber; nor, ~~in such case, or when a member is speaking, shall another~~ shall a member entertain
20 private discourse when another member is speaking.

21 **Rule 3-34.** **Vote of a Member Mandatory; Exception.** Every member of the Council
22 ~~who shall be~~ present when a question is put, shall give his or her vote, unless such member has a

1 financial conflict of interest on the pending question precluding him or her from voting thereon. In
2 addition, a Council member may abstain from voting on the pending question if the Council member
3 has a real or perceived personal conflict of interest that might reasonably be expected to impair his
4 or her objectivity or independence in judgment. A Council member who abstains from voting shall
5 also abstain from taking part in any public hearing or debate on said question.

6 **Rule 3-45. Stating of Motions.** When a motion is made and seconded, ~~it shall~~ any
7 member of the Council may request that it be stated by the Chair or, being in writing, ~~it shall be~~ read
8 aloud by the Clerk before debate.

9 **Rule 3-56. Written Motions.** Every motion shall be reduced to writing, if the Chair or
10 any member ~~desires it~~ requests.

11 **Rule 3-67. Withdrawal of a Motion.** After a motion is ~~stated by the Chair, or read by~~
12 ~~the clerk, it shall be deemed to be in possession of the Council, but may be withdrawn by the mover~~
13 ~~at any time before a decision or amendment.~~ made, it may be withdrawn by the mover if there has
14 been no debate. Once debate on a motion has occurred, the motion may only be withdrawn by the
15 mover with unanimous consent of the Council, or by an additional motion adopted by a majority vote
16 of the members present and voting.

17 **Rule 3-7. — Precedence of Motions During Debate.** When a question is under debate,
18 ~~no motion shall be received except a motion to adjourn, motion to lay on the table, motion to call~~
19 ~~the question to a vote, motion to postpone to a day certain, motion to postpone indefinitely, motion~~
20 ~~to commit, or motion to amend, which several motions shall have precedence in the order in which~~
21 ~~they are named in this rule.~~

1 ~~———— **Rule 3-8. — Motion to Adjourn and Motion to Lay on the Table Not Debatable.** A~~
2 ~~motion to adjourn and a motion to fix the day to which the Council shall adjourn shall always be in~~
3 ~~order; and these motions and a motion to lay on the table shall be decided without debate.~~

4 **Rule 3-98. Motion to ~~Call the Question~~; Procedure Lay on the Table.** Upon a motion
5 ~~to call the question to a vote and a second thereof, the Chair shall state: "Shall the main question be~~
6 ~~put to a vote now?" There shall be no debate upon such motion and the clerk shall immediately call~~
7 ~~the roll of the Council. If the motion is adopted, it shall end all debate on the main question and~~
8 ~~bring the Council to a direct vote upon any pending amendments, and then upon the main question.~~
9 A motion to lay on the table is not debatable, requires a second, and five votes to be adopted. If a
10 Bill is laid on the table and is not removed from the table before the meeting is adjourned, such Bill
11 shall be automatically carried over to the next meeting on the same reading as when tabled, without
12 any motion necessary to take it from the table.

13 **Rule 3-9. Motion to Limit Debate; Procedure.** A motion may be made to call the
14 question or otherwise set limits on debate. Such motions are not debatable, require a second, and
15 five votes to be adopted. If an amendment is pending, a motion to call the question shall state
16 whether it refers only to the amendment or to the main question. Adoption of a motion to call the
17 question that applies to an amendment shall end debate and bring the Council to a direct vote upon
18 the amendment, after which debate may continue upon the main question. Adoption of a motion to
19 call the question that applies to the main question shall end all debate and bring the Council to a
20 direct vote upon any pending amendments, and then upon the main question.

21 **Rule 3-10. Division of a Question.** Any member may call for a division of a question;
22 ~~which shall be divided~~ if the subject motion contains several parts, each of which is capable of
23 standing as a complete proposition if the others are removed.

1 **Rule 3-11. Amendment Must be Germane to Subject Under Consideration; Annexa-**
2 **tion of Other Matter Prohibited.** No motion or proposition on a subject different from that under
3 consideration shall be admitted under color of amendment. No Bill ~~or resolution~~ shall at any time
4 be amended by annexing ~~thereto~~ or incorporating ~~therewith~~ any other Bill ~~or resolution~~ pending
5 before the Council.

6 **Rule 3-12. Motion to Reconsider; Procedure.** ~~When a motion has once been made and~~
7 ~~carried in the affirmative or negative, it shall be in order for any member of the majority to move for~~
8 ~~the reconsideration thereof on the same or next succeeding regular meeting of the Council, and such~~
9 ~~motion shall take precedence over all other matters, except a motion to adjourn.~~

10 (a) Only a member of the prevailing side may move to reconsider a vote upon a Bill or
11 other motion upon which final action has been taken or request that a Bill be advertised on the
12 agenda for reconsideration.

13 (b) A motion to reconsider may only be made at the same meeting in which the original
14 motion passed or failed, except that a motion to reconsider action on a Bill may be made at the same
15 or next regular or special meeting.

16 (c) The motion to reconsider may be called up at the same meeting in which the original
17 motion passed or failed only when no other main motion is pending.

18 (d) If a motion to reconsider is made at the next ~~succeeding~~ regular or special meeting and
19 notice of the intention to ~~move for reconsideration~~ reconsider has not been included on the agenda
20 for such meeting, final action on the reconsidered item shall be delayed until the next regular or
21 special meeting, ~~or until such other time~~ future meeting as may be determined by ~~majority~~ four votes
22 of the Council.

23 (e) A motion to reconsider requires four votes to pass.

1 **Rule 3-13. Compelling Attendance of Absent Member.** Any two members may com-
2 pel the attendance of any member who is absent from the Council chamber.

3 **Rule 3-14. Compelling a Roll Call Vote.** Any ~~one~~ member may compel the Clerk to call
4 a roll vote on any matter before the Council for decision, when the Chair has not requested such vote.

5 **Rule 3-15. Rotation of Roll Call Vote.** In the taking of yeas and nays on roll call votes,
6 the Clerk shall at the beginning of each meeting rotate the order in which the names of members of
7 the Council are called by taking the name at the top of the order at the ~~next~~ preceding meeting and
8 placing it at the bottom of the order, except that the Chair shall never be called first.

9 **Rule 3-16. Name of Introducer to be Entered Upon Minutes.** In all cases where a
10 ~~resolution or~~ motion shall be entered on the minutes of the Council, the name of the member moving
11 or introducing the same shall also be entered.

12 **Rule 3-17. Sergeant at Arms.** The Chief of Police, or an officer designated by ~~him~~ the
13 Chief, shall be ex officio sergeant at arms, whose duties it shall be to attend the Council during each
14 of its meetings, and to execute the commands of the Council relating to the service of all process
15 issued by authority of the Council, as shall be directed by the Chair of the Council.

16 **Rule 3-18. Reporting by Boards, Commissions and Committees.** Any advisory board,
17 commission or committee established pursuant to the provisions of Article IV, Section 25 of the City
18 Charter shall have leave to report to the Council, ~~by bill or otherwise, and shall in all cases report~~
19 providing in writing the state of facts, and their recommendations relating thereto.

20 **Rule 3-19. ~~Ordinance~~ Bills; Required Readings; Exception.** Unless the Council shall
21 waive this rule by five votes, E~~every~~ Bill proposed as an ordinance shall be read by title on at least
22 three different days, unless the Council ~~and every Bill proposed as a resolution shall dispense with~~

1 ~~this rule by a vote of at least two-thirds of its members~~ be read by title on at least two different days.

2 The requirement that ordinances of a general or permanent nature be fully and distinctly read is
3 dispensed with as authorized by Article V, Section 3 of the Charter.

4 **Rule 3-20. Ordinance Bills; Legislative Process; Public Hearings; Exception.** The
5 ~~first reading of a bill proposed as an ordinance shall be for information; and if opposition be made~~
6 ~~to it, the following question shall be put by the Chair: "Shall the bill be rejected?" If no opposition~~
7 ~~be made, or if the question to reject be defeated, the bill shall proceed to second reading and public~~
8 ~~hearing at the next regular meeting of the Council. If opposition be made to it after second reading~~
9 ~~and public hearing, the Chair shall then state the same question calling for rejection of the bill. If~~
10 ~~no opposition shall then be made or if the question to reject shall be defeated, the bill shall then pro-~~
11 ~~ceed to third reading and final consideration at the next regular meeting of the Council. The Council~~
12 ~~may dispense with this rule by a vote of at least two-thirds of its members.~~ All Bills on the agenda
13 for first reading shall be listed together, and no Council action shall be required for such Bills to
14 move on to second reading and public hearing. For Bills requiring a third reading, no Council action
15 is necessary for such Bills to move on to third reading after a public hearing has been held. A
16 resolution relating to an ordinance on the agenda shall be noted as relating to said ordinance, and will
17 be given an action date that corresponds to the action date of the related ordinance. A Bill may only
18 be moved or amended during the voting session on the date said Bill is advertised for action.
19 However, when a Bill is reached on the agenda, on any reading, it may be withdrawn, rejected,
20 rescheduled, or placed on pending by four votes. A withdrawal will not prejudice a reintroduction
21 of the same Bill on any future agenda. A rejection will prejudice reintroduction of the same or
22 similar Bill where limits on reintroduction exist (e.g. the zoning code). A motion to "postpone

1 indefinitely” a Bill shall be considered a motion to withdraw said Bill unless otherwise indicated by
2 the mover.

3 **Rule 3-21. Public Hearings.** No person shall be permitted to address the City Council
4 for longer than five minutes on any Bill or group of Bills called together, except by the unanimous
5 consent of the Council, except that, in addition to time allowed for a presentation in support of an
6 application, the applicant on a Bill shall also have the right of rebuttal, limited to five minutes which
7 shall be limited to issues brought up during testimony on the application. Time limitations shall not
8 apply to proceedings before the Council requiring the taking of testimony under oath. During voting
9 sessions, no testimony shall be allowed without leave of the Chair, and then only as necessary to
10 provide clarification on pending motions. The City Council shall have the right to limit or exclude
11 the presentation of information or testimony which is irrelevant or redundant.

12 **Rule 3-2122. Each Ordinance and Resolution Bill Copied Into Council Record.** Every
13 Bill passed as an ordinance and every resolution or adopted shall be copied in full into the Council
14 record, and each ordinance and shall be certified to by the Clerk.

15 **Rule 3-2223. Bill Processing Dates Noted by Clerk.** The Clerk shall note on each Bill the
16 dates of the first, second and third readings, passage, approval by the Mayor and publication.

17 **Rule 3-2324. Assignment of Numbers to Bills and Ordinances.** All proposed Bills ~~pro-~~
18 ~~posed as ordinances~~ shall be numbered by the Clerk by indicating whether it is an ordinance or
19 resolution and the calendar year and sequential order of ~~their~~ its introduction in such year. All
20 ~~ordinances~~ Bills adopted by the Council shall be numbered by the Clerk in the order in which they
21 are passed. The Clerk shall also maintain a permanent record of all Bills ~~proposed as ordinances~~
22 which shall fail to pass.

1 **Rule 3-~~24~~25. Formal Agenda; Preparation, Matters Not on Agenda Prohibited During**
2 **Public Hearing; Notice.** All reports, communications, ordinances, resolutions, contract documents
3 or other matters to be submitted to the Council shall be submitted to the City Clerk no less than
4 ninety-six hours prior to the time for commencement of each regular meeting of the Council,
5 whereupon the Clerk shall prepare a meeting notice together with a formal agenda of such matters
6 to come before the Council as its regular business for such meeting. The Clerk shall furnish each
7 member of the Council, the Mayor, and director of each department with a copy of such formal
8 agenda prior to the Council meeting and as far in advance of the meeting as time for preparation will
9 permit. Any member of the Council may place any matter on the formal agenda of the Council in
10 accordance with the requirements of this rule. No member of the Council may bring before the
11 Council at its public hearing any matter not otherwise properly placed upon the formal agenda of the
12 Council as provided by this rule. Except for items of an emergency nature, the agenda shall not be
13 altered later than (a) twenty-four hours before the scheduled commencement of the meeting, or (b)
14 forty-eight hours before the scheduled commencement of a meeting scheduled outside the corporate
15 limits of the City. The Council shall have the right to modify the agenda to include items of an
16 emergency nature only at such public meeting at which the nature of any such emergency shall be
17 publicly stated and recorded in the minutes of the meeting. The Clerk shall cause the meeting notice
18 and formal agenda to be posted on the official bulletin board. The City Clerk or other designee of
19 the City Council shall maintain a list of the news media requesting notification of meetings; and shall
20 make reasonable efforts to provide advance notification to them of the time and place of each
21 meeting; and the subjects to be discussed at that meeting.

22 **Rule 3-~~25~~26. Change to the Order of Business ~~Changed Only by Two-thirds Majority.~~**
23 The order of business of the Council as established by its formal agenda and the standing rules of

1 Section 2.04.010, shall not be ~~postponed or~~ changed, except by a vote of at least two-thirds of its
2 members present and voting.

3 **Rule 3-~~26~~27. ~~Two-thirds~~Five Votes Required for Rescission, Amendment or Sus-**
4 **pension of Rules.** None of the foregoing rules of decorum, debate and procedure shall be rescinded,
5 amended or suspended, except by a vote of ~~at least two-thirds of its~~ five members of the Council.

6 **Rule 3-~~27~~28. Written Communications to Council.** Any person may direct a written
7 communication to the City Council on any matter concerning the City's business by directing the
8 communication ~~to the City Council~~ through the City Clerk. Reference to ~~A~~any such written
9 communication ~~shall~~ may be placed on the agenda of considered at the next regular Council meeting
10 only if placed on the agenda under the order of business entitled/ "Petitions and Communications."

11 **Rule 3-~~28~~29. Dissent or Protest of a Member Entered Into Minutes.** Any member of
12 the Council shall have the right to have the reasons for his or her dissent from or protest against any
13 action of the Council entered in the minutes.

14 **~~Rule 3-29. Meetings; Closed Sessions.~~** ~~The City Council may hold a closed session as~~
15 ~~provided by, and in accordance with the procedures set forth in, Neb. Rev. Stat. § 84-1408 et seq.~~
16 ~~as the same now exists or as such statutes may be amended from time to time.~~

17 **Rule 3-30. Introduction of Bills; Signature Required.** If no Council member will sign
18 a Bill for introduction, said Bill shall be removed from the agenda by the City Clerk prior to its
19 scheduled public hearing.

20 **Rule 3-31. Pending List.** When any Bill is reached on the agenda, on any reading, it may
21 be placed on the pending list by motion adopted by four votes. A motion to place a Bill on pending
22 shall either specify a date certain upon which a specified action shall be taken (e.g. bringing it back

up for public hearing or for a vote), in which case such action will take place on that date with no further action required by the Council, or no date certain, in which case the Bill will remain on pending until the Council removes it by motion adopted by four votes. During voting sessions, when a main motion on a Bill is on the floor, a motion to place on pending that Bill and other related Bills on the agenda shall be in order, even though such related Bills are not then part of the motion on the floor. A motion to place an item on pending shall not be in order when an amendment to a Bill is on the floor. Bills without a date certain may be returned to the agenda for public hearing or action only after providing a two meeting notice, unless the Council waives this rule by five votes; however, any pending items may be withdrawn at any meeting by four votes. Every regular meeting agenda shall list all pending items.

Rule 3-32. Liquor Resolutions. Notice of liquor resolutions shall be provided as required under state law, and therefore shall not require a first reading before appearing on the agenda for public hearing. A motion may be made to adopt a liquor resolution that recommends either approval or denial of a license or related application, and failure of any such motion to receive four votes shall result in failure of the motion. If no motion on a liquor resolution is adopted, then the liquor resolution shall automatically carry over to the agenda for the next regular Council meeting for public hearing unless otherwise determined by four votes of the Council. Liquor resolutions are not assigned Bill numbers and are not Bills.

Section 2. That Section 2.04.020 of the Lincoln Municipal Code be and the same is hereby repealed.

2.04.020 — Public Hearings.—

~~—No person shall be permitted to address the City Council for longer than five minutes, except by consent of all of the council; provided, this limitation shall not apply to proceedings before the council requiring the taking of testimony under oath. The City Council shall have the right to limit or exclude the presentation of information or testimony which is irrelevant or redundant.~~

1 ~~———— The audible use of any mobile, portable, or wireless communication device, other than those~~
2 ~~authorized by the City Council or used by law enforcement personnel on duty, is prohibited in any~~
3 ~~meeting of the City Council.~~

4 Section 3. That Section 2.04.030 of the Lincoln Municipal Code be amended to read
5 as follows:

6 **2.04.030 ~~Vote Required~~ Votes.**

7 ~~If due to the absence of one or more of the members of the City Council, any motion,~~
8 ~~resolution, ordinance or other question put to a vote shall fail to receive four or more votes either for~~
9 ~~or against said motion, resolution, ordinance or question shall be deemed to have received neither~~
10 ~~approval nor disapproval and shall, without further order of the City Council, be continued from~~
11 ~~regular meeting to regular meeting and voted upon once at each such meeting until such time as it~~
12 ~~shall receive four votes either for or against. Final action on a Bill requires either four votes in favor~~
13 ~~or four votes opposed. If a Bill scheduled for a vote does not receive the required votes, the Bill~~
14 ~~shall be automatically scheduled for a vote at the next regular meeting, unless it is withdrawn,~~
15 ~~scheduled for continued public hearing or action on another date, or placed on pending. Any other~~
16 ~~motion that does not receive the required number of votes shall fail, including a motion to amend,~~
17 ~~which requires a majority vote of those present and voting to pass. Motions with required votes not~~
18 ~~specified in this chapter shall require the number of votes specified in Robert's Rules of Order. Any~~
19 ~~requirement for a specific number of votes shall mean that number of votes or more.~~

20 Section 4. That Chapter 2.04 of the Lincoln Municipal Code be amended by adding
21 a new section numbered 2.04.040 to read as follows:

1 **2.04.040 Audible Devices Prohibited.**

2 The audible use of any electronic device, such as a mobile telephone, other than those
3 authorized by the City Council or used by law enforcement personnel on duty, is prohibited in any
4 meeting of the City Council.

5 Section 5. That Chapter 2.04 of the Lincoln Municipal Code be amended to read by
6 adding a new section numbered 2.04.050 to read as follows:

7 **2.04.050 Meetings; Closed Sessions.**

8 The City Council may hold a closed session as provided by, and in accordance with the
9 procedures set forth in Neb. Rev. Stat. §84-1408, et seq., as the same now exists or as such statutes
10 may be amended from time to time. Four votes are required to go into closed session.

11 Section 6. That Sections 2.04.010 and 2.04.030 of the Lincoln Municipal Code as
12 hitherto existing be and the same are hereby repealed.

13 Section 7. Pursuant to Article VII, Section 7 of the City Charter, this ordinance shall
14 be posted on the official bulletin board of the City, located on the wall across from the City Clerk's
15 office at 555 S. 10th Street, in lieu of and in place of newspaper publication with notice of passage
16 and such posting to be given by publication one time in the official newspaper by the City Clerk.
17 This ordinance shall take effect and be in force from and after its passage and publication as herein
18 and in the City Charter provided.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ____ day of _____, 2015:

Mayor